

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION Nos 5370 to 5375,  
5377, 5378 and 5379 of 1999

(in all 9 matters)

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 - NO

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CHIKHLI VIBHAG QWARRY OWNER'S ASSOCIATION

Versus

CHIEF DIVISIONAL OFFICER

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Appearance:

NANAVATY ADVOCATES for Petitioner

MR GN SHAH for Respondent No. 1

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CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 08/09/1999

COMMON ORAL JUDGEMENT

The learned counsel for the parties agree that the matter is covered by the order dated 16.7.1999 passed by a Division Bench of this Court in Letters Patent Appeal No. 444/99 and also as per the judgment in a group of petitions being Special Civil Application No. 2415 of 1999 and cognate matters which were decided by this Court's judgment dated 23.7.1999.

2. In view of the above, there is no reason to take a different view in this group of petitions.

3. In all these Special Civil Applications, the petitioners claim to be the holders of diesel pumps, popularly known as consumer pumps. In all these petitions, the direction has been sought against the respondent-Companies not to discontinue the supply of high speed diesel to the petitioners at the consumer pumps belonging to them at different places as mentioned in their respective petitions.

4. It is given out by both the sides that identical petitions were dismissed by a co-ordinate Bench of this Court. Against that decision of the learned Single Judge, Letters Patent Appeals being number 444/99 and others were preferred. The Division Bench has decided the Letters Patent Appeal No. 444/99 alongwith several Miscellaneous Civil Applications moved in different Letters Patent Appeals. Letters Patent Appeal No. 444/99 and other Misc. Civil Applications moved in different Letters Patent Appeals have been decided by a common order dated 16.7.1999. A copy of the order dated 16.7.1999 passed by the Division Bench has been produced before this Court.

5. The Court has gone through the order dated 16.7.1999 and found that these Special Civil Applications may also be decided in the same terms.

6. Rule. Mr GN Shah waives service of Rule on behalf of the respondent in all the matter. The matter is taken up for final hearing on the request of both the sides.

7. In the facts and circumstances of the case, following the order dated 16.7.1999, passed by the Division Bench in Letters Patent Appeal, it is directed that the supply of high speed diesel to the petitioners-societies may be resumed within a period of two weeks from today, i.e. on or before 22.9.1999. The petitioners herein shall abide by the following conditions :-

(1) Consumer pumps must execute consumer pump agreements as per the standard format. In case it is not done within one month, they will not be entitled to supply of petroleum products from the concerned Oil Company and the concerned Oil Company will not supply petroleum products to the

consumer.

(2) The consumer pumps which are public trust will be converted into cooperative societies within two months, failing which they will not be entitled to any supplies of petroleum products and the concerned Oil Company will not supply petroleum products to the consumer pump till such conversion takes place.

(3) The consumer pumps will give an undertaking to the High Court to the following effect :-

(i) They will take only genuine agriculturists, farmers as members and petroleum products will be sold to them only.

(ii) The consumer pump will, if required by the concerned Oil Company, change the layout format/get up of the consumer pump, if so desired by the concerned Oil Company, to distinguish it from a retail outlet.

(4) In the event of breach of any of the conditions, concerned consumer pump will not be entitled to the supply of petroleum products. The concerned Oil Company will not supply petroleum products pending an inquiry into the breach of the conditions committed by the consumer pumps.

(5) Those consumer pumps which, though sanctioned, have not been commissioned, will be commissioned by the concerned Oil Company after the receipt of the approval from the appropriate authority.

8. The petitioners shall give the aforesaid undertaking to this Court, that is in favour of the Registrar of this Court and the same shall be furnished by the petitioners within two weeks hereof.

9. The order dated 16.7.1999, passed by the Division bench as produced before this Court shall remain on record of this Court.

10. All these nine Special Civil Applications are allowed as above. Rule is made absolute in each of the petitions accordingly. No order as to costs.

Direct Service is permitted.

Sd/-

September 7, 1999 (M.S. Shah, J.)

sundar/-